

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,	.	CASE NO. H-16-CR-0551
	.	
PLAINTIFF,	.	
	.	
V.	.	HOUSTON, TEXAS
	.	THURSDAY, FEBRUARY 1, 2018
PEGGY ANN FULFORD,	.	03:39 P.M. TO 04:34 P.M.
	.	
DEFENDANT.	.	
.		

REARRAIGNMENT

BEFORE THE HONORABLE DENA PALERMO
UNITED STATES MAGISTRATE JUDGE

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Appearances:

For the Government:	BELINDA BEEK, ESQ. Assistant United States Attorney 1000 Louisiana, Suite 2300 Houston, TX 77002
For the Defendant:	PHILLIP GALLAGHER, ESQ Federal Public Defender 440 Louisiana, Suite 1350 Houston, TX 77002
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1 Houston, Texas; Thursday, February 1, 2018; 03:39 p.m.

2 **UNITED STATES MARSHAL:** All rise.

3 The United States District Court for the Southern District
4 of Texas is now in session. The Honorable Judge Dena Palermo
5 presiding.

6 **THE COURT:** Be seated.

7 **(Pause)**

8 **THE COURT:** Okay. This is the United States District
9 Court for the Southern District of Texas and I'm Judge Dena
10 Palermo. I am calling case *The United States of America versus*
11 *Peggy Ann Fulford, Case Number 4:16-CR-55-01 --551.* Is that
12 correct?

13 **MR. GALLAGHER:** Yes. That's right.

14 **MS. BEEK:** Yes, your Honor.

15 **THE COURT:** Well, yes. Sorry. I was going to ask a
16 question.

17 Okay, counsel, can you please identify yourself and
18 your client for the record?

19 **MS. BEEK:** Belinda Beek for the United States, your
20 Honor.

21 **MR. GALLAGHER:** And Phillip Gallagher for Miss Peggy
22 Ann Fulford.

23 **THE COURT:** Okay. And let the record reflect that
24 the Defendant is also present.

25 **(Pause)**

1 **THE COURT:** Miss Fulford, I understand that you want
2 to plead guilty today. Is that correct?

3 **DEFENDANT FULFORD:** Yes, ma'am.

4 **(Pause)**

5 **THE COURT:** District Judge Ellison has referred this
6 matter to me to hold -- hold a hearing today and to make a
7 report and recommendation to him to accept or reject your
8 guilty plea.

9 But I need to make sure that you understand your
10 rights to proceed before him and have Judge Ellison ask you the
11 questions that I will be asking you today. Have you had a
12 chance to talk to your lawyer about your right to proceed in
13 front of the District Judge?

14 **DEFENDANT FULFORD:** Yes, I have.

15 **THE COURT:** And do you understand I cannot accept
16 your guilty plea. I can ask you questions and make a
17 recommendation to Judge Ellison to accept or reject your guilty
18 plea.

19 Do you understand that?

20 **DEFENDANT FULFORD:** Yes, ma'am.

21 **THE COURT:** And are you giving your consent to appear
22 before me and have me ask you the questions and make a
23 recommendation to Judge Ellison regarding your guilty plea?

24 **DEFENDANT FULFORD:** Yes, your Honor.

25 **THE COURT:** Okay. I have to have a written consent

1 from the Defendant. So I need the Defendant and the Government
2 to sign it.

3 **MR. GALLAGHER:** The Defendant's going to -- I
4 don't --

5 **THE CLERK:** We talked about that that. As long as
6 it's on the record, we don't have to have written consent.

7 **THE COURT:** We don't.

8 **THE CLERK:** No.

9 **MR. GALLAGHER:** Yes, ma'am. I --

10 **THE CLERK:** Right?

11 **MR. GALLAGHER:** I think that's -- I -- that's -- yes.
12 I have handled appeals out of Brownsville and the Court
13 hasn't -- we have no objection to that. We just --

14 **THE COURT:** Yeah. I think that -- off the record.

15 **(Court confers with counsel off the record)**

16 **THE COURT:** Okay.

17 **(Pause)**

18 **THE COURT:** All right. Miss Fulford before I can
19 make a recommendation to Judge Ellison to accept your plea of
20 guilty, I have to ask you certain questions. You must answer
21 my questions under oath.

22 **DEFENDANT FULFORD:** Yes, ma'am.

23 **THE COURT:** Miss Felcheck, can you administer the
24 oath, please?

25 **(Defendant sworn)**

1 **THE COURT:** Okay. Miss Fulford, do you understand
2 that you are now under oath?

3 **DEFENDANT FULFORD:** Yes, I do, your Honor.

4 **THE COURT:** Okay. And if you give false answers to
5 any of my questions you can later be prosecuted for perjury,
6 which means that you could be charged with the crime of making
7 a false statement under oath.

8 And if you give any false answers today, those
9 answers can be used to prosecute you for perjury at a later
10 proceeding.

11 Do you understand that?

12 **DEFENDANT FULFORD:** Yes. Yes, your Honor.

13 **THE COURT:** All right. Today I'm going to be asking
14 you a lot of questions to make sure of several things. First,
15 that you are mentally competent to plead guilty. Second, that
16 your decision to plead guilty is voluntary and not coerced.
17 Third, that you fully understand the rights that you are giving
18 up by pleading guilty. Fourth, that you fully understand the
19 charges you're pleading guilty to and the range of punishment
20 that you may receive. And finally, that you fully understand
21 the consequences of your guilty plea if Judge Ellison accepts
22 it.

23 Do you understand?

24 **DEFENDANT FULFORD:** Yes, your Honor.

25 **THE COURT:** Okay. If you don't understand the

1 question that I ask you, please ask me to repeat it or rephrase
2 it before you answer it.

3 **DEFENDANT FULFORD:** I will. Thank you.

4 **THE COURT:** Do you understand everything I've said so
5 far?

6 **DEFENDANT FULFORD:** Yes, I do.

7 **THE COURT:** Okay. For all the questions that I will
8 be asking you today, you have the right to talk with your
9 attorney before answering any of the questions.

10 And do you understand that you have the right to talk
11 to your attorney before answering any of the questions?

12 **DEFENDANT FULFORD:** Yes, your Honor.

13 **THE COURT:** Okay. Please state your full legal name
14 for the record.

15 **DEFENDANT FULFORD:** Peggy Ann Fulford.

16 **THE COURT:** How old are you?

17 **DEFENDANT FULFORD:** Fifty-nine years old.

18 **THE COURT:** And how far did you go in school?

19 **DEFENDANT FULFORD:** I went two years of college.

20 **THE COURT:** And you can read and write in English
21 then I take it?

22 **DEFENDANT FULFORD:** Yes, I can.

23 **THE COURT:** Okay. And have you ever been treated for
24 any mental illness or for any psychiatric or psychological
25 problem?

1 **DEFENDANT FULFORD:** Yes, your Honor.

2 **THE COURT:** And what was that?

3 **DEFENDANT FULFORD:** I had -- not bipolar. I had,
4 what's it called, I can't come with the name of it. But I have
5 been in a couple of psychiatric hospitals in the state of
6 Georgia.

7 **THE COURT:** And are you currently undergoing --

8 **DEFENDANT FULFORD:** No.

9 **THE COURT:** -- any -- no?

10 **DEFENDANT FULFORD:** No.

11 **THE COURT:** And are you taking any medication --

12 **DEFENDANT FULFORD:** No.

13 **THE COURT:** -- for any psychiatric conditions?

14 **DEFENDANT FULFORD:** No.

15 **MR. GALLAGHER:** Your Honor, just -- sorry.

16 **(Counsel confers with the Defendant)**

17 **THE COURT:** So you're currently not receiving any
18 treatment for any mental illness.

19 **DEFENDANT FULFORD:** No, I'm not.

20 **THE COURT:** Okay. And are you addicted to any drug
21 including alcohol?

22 **DEFENDANT FULFORD:** No, your Honor.

23 **THE COURT:** And are you presently under the influence
24 of any drug or alcohol?

25 **DEFENDANT FULFORD:** No, your Honor.

1 **THE COURT:** Are you sick in any way today that would
2 prevent you from understanding what is happening here today?

3 **DEFENDANT FULFORD:** No, your Honor.

4 **THE COURT:** Do you take any medications regularly?

5 **DEFENDANT FULFORD:** No, your Honor.

6 **(Pause)**

7 **THE COURT:** Did you take any medications today?

8 **DEFENDANT FULFORD:** No, your Honor.

9 **THE COURT:** Have you had enough time to consult with
10 your attorney?

11 **DEFENDANT FULFORD:** Yes, I have.

12 **THE COURT:** And have you been able to communicate
13 with your attorney satisfactorily?

14 **DEFENDANT FULFORD:** Yes, I have, your Honor.

15 **THE COURT:** And are you satisfied with your attorney?

16 **DEFENDANT FULFORD:** Yes, I am, your Honor.

17 **THE COURT:** Do you want to get any further legal
18 advice from your attorney or ask anymore questions before we
19 proceed?

20 **DEFENDANT FULFORD:** No, your Honor.

21 **THE COURT:** All right.

22 **(Pause)**

23 **THE COURT:** Have you had enough time to investigate
24 the law and the facts of your client's case, Mr. Gallagher?

25 **MR. GALLAGHER:** Yes, your Honor.

1 **THE COURT:** And are you confident that the Defendant
2 understands the nature of the charges she faces and the
3 possible punishment?

4 **MR. GALLAGHER:** Yes, I am.

5 **THE COURT:** And has your client been able to
6 cooperate and has she cooperated you -- with you in every
7 respect?

8 **MR. GALLAGHER:** She has.

9 **THE COURT:** And do you believe that your client is
10 mentally competent?

11 **MR. GALLAGHER:** Yes. And since -- just I will add
12 we've had many hours of conversation over more than a year at
13 this point. And that's the basis for my answer.

14 **THE COURT:** Okay. All right.

15 The Court will recommend to Judge Ellison that the
16 Defendant is knowingly, voluntarily, and intelligently with the
17 advice of her counsel, seeking to enter a guilty plea.

18 **(Pause)**

19 **THE COURT:** Before I can recommend that Judge Ellison
20 accept your plea of guilty, I must make sure that you
21 understand the rights that you are giving up by pleading
22 guilty.

23 Do you understand that you have a right to plead not
24 guilty?

25 **DEFENDANT FULFORD:** Yes, I do.

1 **THE COURT:** And if you enter a plea of not guilty, do
2 you understand that you would have a right to a trial,
3 specifically a trial by a jury made up of 12 citizens of this
4 District?

5 **DEFENDANT FULFORD:** Yes, I do.

6 **THE COURT:** And do you understand that if you wished,
7 you could have a trial before the District Court Judge, before
8 Judge Ellison, instead of a jury?

9 **DEFENDANT FULFORD:** Yeah. Yes, I do.

10 **THE COURT:** And at trial, you would have the right to
11 have an attorney represent you in the trial, either an attorney
12 that you paid for, or if you're unable to afford counsel, the
13 Court could appoint an attorney to represent you without any
14 charge to you.

15 Do you understand that you have a right to have an
16 attorney represent you at trial?

17 **DEFENDANT FULFORD:** Yes, I do, your Honor.

18 **THE COURT:** Do you understand that at trial, the
19 burden would be on the United States to prove beyond a
20 reasonable doubt that you are guilty of the crimes with which
21 you have been charged?

22 **DEFENDANT FULFORD:** Yes, your Honor.

23 **THE COURT:** And to meet its burden, the United States
24 would call witnesses who would appear and testify here in
25 Court.

1 Do you understand that at a trial, you and your
2 attorney would be able to see, hear, and ask questions of each
3 of the Government's witnesses?

4 **DEFENDANT FULFORD:** Yes, your Honor.

5 **THE COURT:** You would also have a Constitutional
6 right to remain silent, which means that during the trial, no
7 one could require you to testify or to be a witness against
8 yourself.

9 Do you understand that?

10 **DEFENDANT FULFORD:** Yes, your Honor.

11 **THE COURT:** If you exercise your right to remain
12 silent at trial, it could not be held against you. In fact,
13 you would have the right to have Judge Ellison instruct the
14 jury that your silence could not be used as evidence of your
15 guilt.

16 Do you understand the right to remain silent if you
17 went to trial?

18 **DEFENDANT FULFORD:** Yes, your Honor.

19 **THE COURT:** And though you would have the right to
20 remain silent at trial, you would be entitled to present
21 witnesses and evidence if you wanted to. You would also have
22 the right to subpoena witnesses and require those witnesses to
23 come to Court to testify.

24 Do you understand those rights?

25 **DEFENDANT FULFORD:** Yes, your Honor.

1 **THE COURT:** If you choose to present evidence or
2 witnesses at trial, it would not change the Government's burden
3 of proof. At trial, the Government would always have the
4 burden to prove your guilt beyond a reasonable doubt on each of
5 the charges against you.

6 Do you understand that by pleading guilty, you are
7 giving up your right to require the Government to prove the
8 allegations in the indictment beyond a reasonable doubt?

9 **DEFENDANT FULFORD:** Yes, your Honor.

10 **THE COURT:** You also -- do you also understand that
11 if you went to trial, you could not be convicted unless every
12 single one of the twelve jurors agreed that you were guilty
13 beyond a reasonable doubt?

14 **DEFENDANT FULFORD:** Yes, your Honor.

15 **THE COURT:** So in other words, the verdict would have
16 to be unanimous.

17 You understand that? The jury's verdict would have
18 to be unanimous.

19 **DEFENDANT FULFORD:** Yes, your Honor.

20 **THE COURT:** Do you understand that by entering the
21 guilty plea, you're giving up your right to have a trial like
22 the one I just described?

23 **DEFENDANT FULFORD:** Yes, your Honor.

24 **THE COURT:** Do you understand that if I recommend
25 that Judge Ellison accept your guilty plea, and he accepts my

1 recommendation, you will be convicted with no trial at all.

2 **DEFENDANT FULFORD:** Yes, your Honor.

3 **THE COURT:** Do you understand that if I recommend
4 that Judge Ellison accept your guilty plea, and he accepts my
5 recommendation, you will be waiving a number of arguments that
6 you could have made later if you pleaded not guilty, gone to
7 trial, and been convicted?

8 For example, if you plead guilty, you will not be
9 able to come back later and argue that there were defects in
10 the way you were investigated, arrested, or prosecuted. You
11 will be giving your right -- giving up your right to claim
12 later that you were subject to an illegal search and seizure,
13 that you gave an unconstitutional confession, or that your
14 right to a speedy trial was violated. Those are just examples,
15 not a complete list, of all the defenses that you are waiving
16 and not be able to raise later.

17 Do you understand that you will not be able to raise
18 these and similar defenses later?

19 **DEFENDANT FULFORD:** Yes, your Honor.

20 **(Pause)**

21 **THE COURT:** Do you understand that this is a felony
22 offense?

23 **DEFENDANT FULFORD:** Yes, your Honor.

24 **THE COURT:** Do you understand that if recommend to
25 Judge Ellison that your plea be accepted, and he accepts my

1 recommendation, you will be convicted and you may lose your
2 right to vote, hold public office, serve on a jury, and possess
3 any kind of firearm?

4 **DEFENDANT FULFORD:** Yes, your Honor.

5 **(Pause)**

6 **THE COURT:** With respect to the possession of a
7 firearm, that means that no one who lives with you can ever
8 have a firearm. There are several penalties if a firearm is
9 ever found in your house, your car, or anyplace under your
10 control.

11 Do you understand that?

12 **DEFENDANT FULFORD:** Yeah. Yes, your Honor.

13 **(Pause)**

14 **THE COURT:** Do you understand these possible
15 consequences of your guilty plea?

16 **DEFENDANT FULFORD:** Yes, your Honor.

17 **MR. GALLAGHER:** May I have just one second, your
18 Honor?

19 **THE COURT:** Uh-huh.

20 **(Counsel confers with Defendant)**

21 **(Court confers with Clerk)**

22 **MR. GALLAGHER:** Thank you, your Honor.

23 **THE COURT:** Okay. Carol does now have the form for
24 the agreement, the consent to plead before me. So can I get
25 you all to sign it?

1 **MR. GALLAGHER:** Okay. your Honor, turn it --

2 **THE CLERK:** I'm looking at it right now.

3 **MR. GALLAGHER:** Oh, no problem.

4 **THE CLERK:** Sorry.

5 **MR. GALLAGHER:** It's all right.

6 **(Pause)**

7 **MR. GALLAGHER:** Do you need us to turn this on,
8 Carol?

9 **THE CLERK:** Yes, that'd be great.

10 **(Pause)**

11 **THE CLERK:** Is it on?

12 **MR. GALLAGHER:** It's the blue light. Yes, it's on.

13 **(Pause)**

14 **THE COURT:** All right I'm just going to continue
15 while she's counting, we'll do it.

16 Okay. So this Indictment in this case is the written
17 charges that have been made against you. Have you and your
18 attorney received a copy of the Indictment pending against you?

19 **DEFENDANT FULFORD:** Yes, your Honor.

20 **THE COURT:** And have you been read, or have you read,
21 this Indictment?

22 **DEFENDANT FULFORD:** Yes, your Honor.

23 **THE COURT:** And has your lawyer explained to you the
24 charges against you in the Indictment?

25 **DEFENDANT FULFORD:** Yes, your Honor.

1 **THE COURT:** The Indictment charges you in -- in eight
2 counts?

3 **THE CLERK:** Yeah.

4 **THE COURT:** Charges you in eight counts.

5 **MR. GALLAGHER:** Right. Just so you know, she's just
6 pleading guilty to the one, though.

7 **THE COURT:** Right. But you are only pleading guilty
8 to Count Four. And in Count Four it charges you with violation
9 of 18USC §2314, which is interstate transportation of stolen
10 property.

11 It says specifically in Paragraph 14, that:

12 "From on or about 2001 and continuing until
13 about 2014 in the Southern District of
14 Texas and elsewhere, Defendant," that's
15 you, "Peggy Fulford, did knowingly
16 transport, transmit, and transfer in
17 interstate commerce and cause to be
18 transported, transmitted, and transferred
19 in interstate commerce securities or money,
20 the aggregate value of which exceeded
21 \$5,000, towit, \$200,000 of victim LH's
22 money from Montana to Texas, knowing the
23 same to have been obtained by fraud, all in
24 violation of 18USC §2314."

25 Do you understand what the Government is claiming

1 that you have done that violated Federal law?

2 **DEFENDANT FULFORD:** Yes, your Honor.

3 **THE COURT:** Can you tell me in your own words the
4 crime that you've been charged with?

5 **(Pause)**

6 **(Counsel confers with Defendant)**

7 **DEFENDANT FULFORD:** Oh, okay. Transferring money
8 from a Wells Fargo account in Montana to a Wells Fargo account
9 in Texas.

10 **MR. GALLAGHER:** And that the money you'd gotten
11 wasn't your money.

12 **DEFENDANT FULFORD:** Right.

13 **MR. GALLAGHER:** You took money out --

14 **DEFENDANT FULFORD:** And it was money that was someone
15 else's money.

16 **THE COURT:** That you obtained by fraud.

17 **DEFENDANT FULFORD:** That --

18 **MR. GALLAGHER:** Right. That you obtained by fraud.

19 **DEFENDANT FULFORD:** That I obtained by fraud, yes.

20 **THE COURT:** Okay. So in order to prove a violation
21 of 18USC §2314, the Government would have to prove several
22 essential elements beyond a reasonable doubt.

23 And the elements are that the Government must prove
24 is, first, that the Defendant transported, or caused to be
25 transported in interstate or foreign commerce, items of stolen

1 property as described in the Indictment. Second, that at the
2 time of such transportation, the Defendant knew that the
3 property had been stolen, converted, taken by fraud. And
4 third, that the property had a value of \$5,000 or more.

5 Knowing or reasonable foreseeability of interstate or
6 foreign transport is not required to convict. It's enough if
7 the Defendant set in motion a series of events which in the
8 normal course led to the transportation.

9 Property means goods, wares, merchandise, securities
10 or money. The word "stolen," means all wrongful and dishonest
11 taking of property with intent to deprive the owner of the
12 rights and benefits of ownership, temporarily or permanent.

13 **(Pause)**

14 **THE COURT:** Do you understand that by pleading
15 guilty, you are waiving the right to make the Government prove
16 beyond a reasonable doubt the essential elements that I have
17 just described?

18 **DEFENDANT FULFORD:** Yes, your Honor.

19 **THE COURT:** Did you commit that crime?

20 **DEFENDANT FULFORD:** Yes, your Honor.

21 **THE COURT:** Okay. The penalty for this crime is
22 imprisonment for a term of up to 10 years and a fine of not
23 more than \$250,000. In addition, you will have supervised
24 release of up to a maximum of three years. And if you violate
25 the conditions of any period of supervised release, then the

1 Defendant may be imprisoned for the entire term of supervised
2 release without credit for time already served on the term of
3 supervised release. There's also a Special Assessment of \$100
4 per count of conviction.

5 Do you understand that these are the penalties for
6 this offense?

7 **DEFENDANT FULFORD:** Yes, your Honor.

8 **THE COURT:** Is restitution an issue in this case?

9 **MS. BEEK:** Yes, your Honor.

10 **THE COURT:** And you further understand that if a plea
11 of guilty is accepted by Judge Ellison, you may be ordered to
12 make restitution?

13 **DEFENDANT FULFORD:** Yes, your Honor.

14 **THE COURT:** And you have agreed in the written plea
15 agreement to make full restitution; is that correct?

16 **(Counsel confers with Defendant)**

17 **DEFENDANT FULFORD:** Yes, your Honor.

18 **THE COURT:** And full restitution in this case is
19 three point five million dollars. Is that correct?

20 **(Counsel confers with Defendant)**

21 **MS. BEEK:** Yes. And --

22 **MR. GALLAGHER:** Excuse me. Can we have -- may I have
23 just one second, your Honor?

24 **THE COURT:** Uh-huh.

25 **(Counsel confers with Defendant)**

1 **DEFENDANT FULFORD:** Yes, your Honor.

2 **THE COURT:** Okay. Now do you understand that Judge
3 Ellison will determine what amount of restitution will fully
4 compensate the United States?

5 **DEFENDANT FULFORD:** Yes, your Honor.

6 **THE COURT:** And forfeiture is also an issue in this
7 case?

8 **(Pause)**

9 **THE COURT:** Reported on page 14?

10 **(Voices whispering)**

11 **MR. GALLAGHER:** You pay them \$200,000.

12 **MS. BEEK:** Yes, your Honor.

13 **THE COURT:** Okay. Can you state the agreement on the
14 record regarding forfeiture?

15 **MR. GALLAGHER:** It's the \$200,000, the money
16 transported is agreed to be forfeited.

17 **THE COURT:** Okay. Do you understand that forfeiture
18 of the assets and restitution are two separate -- two separate
19 things, and they're apart from the sentence and the fine that
20 you will receive? They are separate and apart. They're
21 additional to the sentence and the fine.

22 So you've agreed to restitution of up to \$3.5 million
23 as set by Judge Ellison. And you've agreed to forfeiture of
24 \$200,000. And that is in addition to any sentence that the
25 Judge may impose for prison term and any fine that he may

1 impose on you.

2 You understand that?

3 **DEFENDANT FULFORD:** Can I talk to my lawyer?

4 **THE COURT:** Yes.

5 **(Counsel confers with Defendant)**

6 **(Pause)**

7 **MR. GALLAGHER:** Thank you, your Honor.

8 **THE COURT:** Okay.

9 So you understand that the forfeiture and restitution
10 are in addition to, or on top of, any sentence you will receive
11 including any fine.

12 **DEFENDANT FULFORD:** Yes.

13 **THE COURT:** Okay. So according to the Plea
14 Agreement,

15 "The Defendant stipulates and agrees that
16 the Defendant obtained approximately
17 \$200,000 from the criminal offense
18 enumerated in Count Four, and that the
19 factual basis for her guilty plea supports
20 the forfeiture of \$200,000.

21 And the Defendant stipulates and admits
22 that one or more of the conditions set
23 forth in 21USC §853(p) exists. Defendant
24 further agrees that any -- to forfeit any
25 of Defendant's property and substitution up

1 to a total forfeiture of \$200,000.

2 Defendant agrees to the imposition of a
3 personal money judgment of \$200,000."

4 **(Pause)**

5 **THE COURT:** "Defendant further agrees to
6 waive any and all interest in any asset
7 which is the subject of the -- of a related
8 administrative or judicial forfeiture
9 proceeding whether criminal, civil, federal
10 or state.

11 And Defendant waives the right to challenge
12 the forfeiture of property in any matter,
13 including by direct appeal or in collateral
14 proceeding."

15 That is from the Plea Agreement. Is that your
16 understanding?

17 **DEFENDANT FULFORD:** Yes, your Honor.

18 **THE COURT:** Okay. This offense carries a maximum
19 term of supervised release of three years. Supervised release
20 is what happens after you get out of prison.

21 So you will be subject to many conditions during the
22 term of your supervised release once you complete your time in
23 prison. If you violate any of those conditions, you can be
24 sent back to prison for up to an additional three years in
25 prison with no credit at all for the time that you would have

1 already served on supervised release.

2 **DEFENDANT FULFORD:** Okay.

3 **THE COURT:** Do you understand that if you're
4 convicted for another crime, you could be sentenced to
5 additional years in prison and additional time for supervised
6 release.

7 **DEFENDANT FULFORD:** Yes, your Honor.

8 **THE COURT:** Do you understand that if you violate the
9 conditions of the supervised release, that you could be sent
10 back to prison for all or part of the term of the supervised
11 release without any credit for the time already served on the
12 supervised release before the violation?

13 **DEFENDANT FULFORD:** Yes, your Honor.

14 **THE COURT:** Do you understand that you cannot be
15 placed on probation, or have the imposition or execution of the
16 sentence suspended?

17 **(Pause)**

18 **DEFENDANT FULFORD:** Yes, your Honor.

19 **THE COURT:** Do you understand that there is no parole
20 in the federal system. And the sentence you receive will not
21 be shortened by parole. That means that you will serve the
22 majority of the prison sentence that Judge Ellison imposes if
23 he accepts your guilty plea.

24 Do you understand that?

25 **DEFENDANT FULFORD:** Yes, your Honor.

1 **THE COURT:** DO you understand that the charges
2 pending against you and the punishment you may face if Judge
3 Ellison accepts your plea?

4 **DEFENDANT FULFORD:** Yes, your Honor.

5 **(Pause)**

6 **THE COURT:** Okay. So there's a written plea
7 agreement in this case, correct?

8 **MR. GALLAGHER:** Yes, your Honor.

9 **THE COURT:** Okay. And so can you please state for
10 the record all the terms of the Plea Agreement?

11 **MS. BEEK:** Your Honor, I'll summarize the Plea
12 Agreement.

13 The Defendant, Miss Fulford, who goes by, or has in
14 the past gone by various aliases that are outlined in the
15 indictment, is going to plead guilty to Count Four of the
16 Indictment.

17 In that plea agreement she is agreeing to waive her
18 right to appeal, except for ineffective assistance of counsel,
19 and actually to -- to a sentence in excess of the statutory
20 minimum. I believe that will be an exception as well.

21 The Defendant agrees that the loss from her criminal
22 conduct is \$3.5 million. She's agreeing to pay restitution of
23 \$3.5 million to the four known victims of her criminal conduct.
24 And that agreement to pay that restitution is regardless of the
25 count of conviction.

1 The Government agrees that it will not further
2 criminally prosecute the Defendant in the Southern District of
3 Texas for offenses arising from the conduct that's the basis of
4 the charge in the indictment.

5 Mr. Gallagher and I have discussed this, and it's in
6 the Plea Agreement, that this is binding only in the U.S.
7 Attorney's Office for the Southern District of Texas and the
8 Defendant. And I say that because there's another pending
9 state charge in Louisiana that has nothing to do with -- with
10 this.

11 The Government agrees that it will not oppose the
12 downward adjustment that Miss Fulford accepts responsibility
13 pursuant to -- to the Sentencing Guidelines, unless she engages
14 in some conduct is not consistent with accepting responsibility
15 or if the Presentence Report finds that she has not accepted
16 responsibility.

17 The Government agrees that it will also request an
18 additional one level downward adjustment if the Defendant
19 qualifies, as we anticipate she will, for an adjustment under
20 §3(e) (1.1) (A) if the offense level is 16 or greater.

21 If the Defendant pleads guilty to Count Four and
22 persists in her plea through sentencing and the Court accepts
23 the Plea Agreement, the Government will -- that shouldn't be
24 discuss -- the Government will dismiss the remaining counts of
25 the indictment after sentencing.

1 Those are the main points of the Plea Agreement, your
2 Honor.

3 **THE COURT:** Okay. Miss -- Miss Fulford, are those
4 terms of the Plea Agreement with the Government as you
5 understand them?

6 **DEFENDANT FULFORD:** Yes, your Honor.

7 **THE COURT:** Mr. Gallagher, do you understand those to
8 be the terms of the Plea Agreement with the Government?

9 **MR. GALLAGHER:** I do.

10 **THE COURT:** Is there a mandatory minimum sentence?

11 **MS. BEEK:** No.

12 **THE COURT:** Okay. Miss Fulford, do you understand
13 that you and the Government, as part of the Plea Agreement,
14 have agreed to dismiss certain counts that have been made
15 against you? And that is part of the Plea Agreement, right?

16 **MR. GALLAGHER:** Correct.

17 **THE COURT:** Or not to bring certain other charges.

18 Do you understand that?

19 **DEFENDANT FULFORD:** Yes, your Honor.

20 **THE COURT:** And even if certain counts are dismissed,
21 Judge Ellison may still consider the conduct alleged in those
22 counts as relevant conduct in determining your sentence. Judge
23 Ellison can consider relevant conduct even if it's not included
24 in the count that you're pleading guilty to to make your
25 sentence more severe.

1 Do you understand that Judge Ellison can still
2 consider the conduct that forms the basis of the counts being
3 dismissed when deciding your sentence?

4 **(Voices whispering)**

5 **THE COURT:** In other words, he can consider
6 everything that you have been charged with, even though you're
7 pleading guilty only to the charges in Count Four. He can
8 consider all of those charges in making his determination.

9 **(Pause)**

10 **MR. GALLAGHER:** May I have a second?

11 **THE COURT:** Sure.

12 **(Counsel confers with the Defendant)**

13 **(Pause)**

14 **MR. GALLAGHER:** Thank you, your Honor.

15 **DEFENDANT FULFORD:** Thanks, your Honor.

16 **THE COURT:** Okay.

17 So you understand that Judge Ellison can still
18 consider the conduct that forms the basis of the counts being
19 dismissed when deciding your sentence.

20 **DEFENDANT FULFORD:** Yes, your Honor.

21 **THE COURT:** Okay. And do you understand that the
22 Probation Office will -- will prepare a Presentence Report for
23 Judge Ellison which may have other information in it that is
24 not included in the Indictment?

25 **DEFENDANT FULFORD:** Yes, your Honor.

1 **(Pause)**

2 **THE COURT:** Do you understand that your attorney may
3 ask Judge Ellison for a downward adjustment under the
4 Sentencing Guidelines to reduce your sentence?

5 **DEFENDANT FULFORD:** Yes, your Honor.

6 **THE COURT:** And do you understand that as part of the
7 Plea Agreement the Government is agreeing not to oppose your
8 attorney's request to reduce your sentence?

9 **DEFENDANT FULFORD:** Yes, your Honor.

10 **THE COURT:** Do you understand that even if the
11 Government doesn't oppose your attorney's request to reduce
12 your sentence, Judge Ellison can refuse the downward
13 adjustment?

14 **DEFENDANT FULFORD:** Yes, your Honor.

15 **THE COURT:** As part of the Plea Agreement --

16 **MR. GALLAGHER:** And that's --

17 **MS. BEEK:** Your Honor, I'm sorry. That's not
18 actually part of our agreement.

19 We probably will oppose a request for a downward
20 adjustment.

21 **MR. GALLAGHER:** Yeah. And also the Government hasn't
22 made any promises about what the sentence it will --

23 **THE COURT:** Okay.

24 **MR. GALLAGHER:** -- recommend.

25 **THE COURT:** Oh, I thought I had read that in here.

1 **MR. GALLAGHER:** No. We've agreed to some
2 Guidelines --

3 **MS. BEEK:** Guideline adjustments.

4 **MR. GALLAGHER:** -- Guidelines issues.

5 **MS. BEEK:** The two points and one point. That's all.

6 **THE COURT:** Government agrees it will not --

7 **MR. GALLAGHER:** And then the loss amount, but --
8 but --

9 **THE COURT:** -- oppose -- it says right here, though.
10 "The Government agrees it will not oppose a downward adjustment
11 for acceptance of responsibility."

12 **MR. GALLAGHER:** Oh, does it?

13 **THE COURT:** If for acceptance of responsibility
14 pursuant to 3(e)(1.1) --

15 **MR. GALLAGHER:** Oh, right.

16 **THE COURT:** -- unless the Defendant engaged in
17 conduct that otherwise is in -- acts in a manner inconsistent
18 with accepting responsibility.

19 **MR. GALLAGHER:** Right. Your Honor, I think that
20 the --

21 **THE COURT:** And it further says --

22 **MR. GALLAGHER:** Sorry.

23 **THE COURT:** -- that the Government agrees to request
24 an additional downward adjustment if the Defendant qualifies.

25 **MS. BEEK:** Maybe we're talking about different

1 things. A downward adjustment for two points for acceptance of
2 responsibility. That's correct. We're not going to oppose
3 that. And the additional one point.

4 **THE COURT:** Okay.

5 **MS. BEEK:** But anything beyond that, like a variance,
6 we will oppose.

7 **THE COURT:** Okay.

8 **MR. GALLAGHER:** And, yeah. And that's our
9 understanding. The Government hasn't -- other than the
10 acceptance which Miss Beek just outlined, the Government hasn't
11 made any promises about what sentence it will seek.

12 **THE COURT:** Okay.

13 **(Pause)**

14 **MS. BEEK:** We're not going to object to her
15 acceptance points if she accepts.

16 **MR. GALLAGHER:** Right.

17 **THE COURT:** Okay.

18 Do you understand that the Plea Agreement and the
19 agreements has made with what it will -- what it will agree to
20 on any downward adjustment is not binding on Judge Ellison, and
21 he may impose whatever sentence he determines is just?

22 **DEFENDANT FULFORD:** Yes, your Honor.

23 **THE COURT:** So that's the main point of this whole --

24 **MR. GALLAGHER:** Right.

25 **THE COURT:** -- line of questioning.

1 Whatever you've agreed to with the Government,
2 whatever your attorney decides to do in terms of requesting how
3 Judge Ellison sentenced you, he's not bound by anything.

4 **DEFENDANT FULFORD:** Okay.

5 **THE COURT:** He's not bound by the Plea Agreement.
6 He's not bound by the Government's recommendation, whether it's
7 for or against what your attorney asked for. And he's not
8 bound by your attorney's request.

9 **DEFENDANT FULFORD:** Okay.

10 **THE COURT:** He will make the decision based on the
11 Presentence Report, based on the Indictment, and whatever
12 information is presented to him on what the appropriate
13 sentence should be.

14 Do you understand that?

15 **DEFENDANT FULFORD:** Yes. Yes, your Honor. I do.

16 **(Pause)**

17 **THE COURT:** Do you understand that if Judge Ellison
18 decides not to accept any recommendation from the U.S. Attorney
19 or the request from your attorney, you will not be allowed to
20 withdraw your guilty plea?

21 **DEFENDANT FULFORD:** Yes, your Honor.

22 **(Pause)**

23 **THE COURT:** Okay. Have you and your attorney talked
24 about what sentence you might get and how the Sentencing
25 Commission Guidelines might apply in your case?

1 **DEFENDANT FULFORD:** Yes. Yes, your Honor.

2 **THE COURT:** And do you understand that your lawyer
3 cannot predict what the sentence in this case will be?

4 **DEFENDANT FULFORD:** I do. Yes, your Honor.

5 **THE COURT:** And while your attorney does his best to
6 inform you about sentencing, anything your attorney has told
7 you is simply an estimate and not a promise.

8 Do you understand that?

9 **DEFENDANT FULFORD:** Yes, your Honor.

10 **THE COURT:** Do you understand that you cannot
11 withdraw your guilty plea, even if your sentence is more than
12 you expect?

13 **DEFENDANT FULFORD:** Yeah. Yeah. Yes, your Honor.

14 **THE COURT:** You will be bound by your guilty plea
15 even if Judge Ellison sentenced you to the maximum sentence and
16 rejects the recommendations of -- that the Government has
17 agreed to in the Plea Agreement. Once your plea -- once you
18 plead guilty, you are stuck with the plea.

19 Do you understand that?

20 **DEFENDANT FULFORD:** Yes, your Honor.

21 **THE COURT:** Do you understand that Judge Ellison will
22 have more information than what's in the indictment when he
23 decides your sentence. The Probation Office will do a
24 Presentence Investigation and prepare a Presentence Report.
25 That report may have more information than what's in the

1 indictment.

2 The information in the Presentence Report and other
3 factors can affect the Sentencing Guideline Range that will be
4 used to determine your -- your sentence. For example, the
5 amount of money that you are held responsible for can affect
6 your sentence. Conduct that's dismissed can be considered.

7 So do you understand that the conduct and the
8 information --

9 **(Pause)**

10 **THE COURT:** -- that the Government doesn't have right
11 now in this indictment can affect your sentence?

12 **DEFENDANT FULFORD:** Yes, your Honor.

13 **(Pause)**

14 **THE COURT:** And do you understand that conduct or
15 information that is not included in what you're pleading guilty
16 to today can affect your sentence?

17 **DEFENDANT FULFORD:** I'm sorry, your Honor. Could you
18 say that again?

19 **THE COURT:** Do you understand the conduct or
20 information not included in what you're pleading guilty to
21 today can affect your sentence?

22 **DEFENDANT FULFORD:** Yes, your Honor.

23 **THE COURT:** Do you also understand that the
24 Sentencing Guidelines are only advisory. And even after Judge
25 Ellison determines what the Guideline ranges are that apply to

1 your case, he can assess a harsher or a lighter sentence than
2 what is called for in the Guidelines, as long as it's not more
3 than the maximum sentence allowed for under the statute.

4 **DEFENDANT FULFORD:** Yes, your Honor.

5 **THE COURT:** You have entered into a Plea Agreement
6 which waives your right to appeal your conviction and your
7 sentence. You are waiving all of your rights to appeal or
8 attack your conviction and sentence, except for your right to
9 assert a claim for ineffective assistance of counsel.

10 Do you understand that you are waiving your right to
11 collaterally attack or challenge this sentence later?

12 **DEFENDANT FULFORD:** Yes, your Honor.

13 **THE COURT:** The Government, on the other hand, will
14 still have the right to appeal the sentence or the way it was
15 imposed even though you cannot appeal.

16 Do you understand that the Government is not giving
17 up its right to appeal?

18 You look confused. Do you want to talk to your
19 attorney about that?

20 **(Counsel confers with Defendant)**

21 **(Pause)**

22 **THE COURT:** Do you understand that the Government is
23 not giving up its right to appeal even though you are?

24 **DEFENDANT FULFORD:** Yes, your Honor.

25 **THE COURT:** Do you understand that parole has been

1 abolished and that if you were sentenced to prison, you will
2 not be released early on parole?

3 **DEFENDANT FULFORD:** Yes, your Honor.

4 **THE COURT:** Before I can accept your plea, I must
5 make a -- a determination that there is a factual basis to find
6 you guilty.

7 **(Pause)**

8 **THE COURT:** Mr. Gallagher, does the Defendant waive
9 the reading of the Indictment?

10 **MR. GALLAGHER:** Yes, your Honor.

11 **(Pause)**

12 **THE COURT:** Miss Beek, can you summarize the facts in
13 this case, please.

14 **MS. BEEK:** Yes, your Honor.

15 If the United States were to proceed to trial, the
16 United States would prove each and every factual allegation in
17 the Indictment beyond a reasonable doubt --

18 **THE COURT:** Okay.

19 **MS. BEEK:** -- including a summary of --

20 **THE COURT:** Wait. Wait.

21 **MS. BEEK:** -- the following.

22 **THE COURT:** Before you continue.

23 I just want you to listen very carefully to what Miss
24 Beek is -- Beek is saying because afterwards I'm going to ask
25 you questions. Okay?

1 **MR. GALLAGHER:** Sorry. Can I -- hold one second.

2 **THE COURT:** Okay.

3 **MR. GALLAGHER:** Sorry. Real fast.

4 **(Counsel confers with Defendant)**

5 **MR. GALLAGHER:** Thank you.

6 **THE COURT:** Okay. Cause I'm going to ask you after
7 she finishes summarizing the facts of the case whether you
8 think there are any changes, additions, modifications, or
9 corrections that you would like to make to what she says.

10 So please listen very carefully to the summary of the
11 facts. Okay? Go ahead.

12 **MS. BEEK:** Your Honor, the United States would prove
13 beyond a reasonable doubt that,

14 "Miss Fulford who had various names that
15 are outlined in the Indictment over a
16 period of time, and resided in different
17 places around the United States, including
18 in the Southern District of Texas, between
19 some time in or about 2011 until in or
20 about 2013. At various time during the
21 period outlined in the Indictment she
22 was -- said she was married to different
23 individuals whose initials are also laid
24 out in the indictment.

25 Miss Fulford and a husband whose initials

1 were F.K., were associated with a company
2 called Premier Management that purported to
3 be the agent for at least one professional
4 athlete. Premier Financial Management,
5 Inc. was incorporated in the state of
6 Georgia. And Miss Fulford was listed as
7 its Chief Financial Officer.

8 King Management Group, an associated LLC,
9 was organized under the laws of the state
10 of Florida. Miss Fulford was listed as its
11 Registered Agent and Managing Member.

12 Miss Fulford exercised authority and
13 control over dozens of bank accounts,
14 including the following five: one at Wells
15 Fargo ending in 245, another at Wells Fargo
16 ending in 105, another Wells Fargo ending
17 in 567, another one ending in 514, and
18 another one ending in 061.

19 From about 2001 until 2014, Miss Fulford
20 obtained and misappropriated funds
21 entrusted to her by at least four
22 professional athletes. The provable loss
23 from Miss Fulford's criminal conduct is
24 \$3,500,000.

25 Miss Fulford obtained the money by falsely

1 telling the athlete victims that she would
2 use their money exclusively to pay their
3 bills, including their income tax payments,
4 and to make retirement investments for
5 them. Instead Miss Fulford diverted
6 millions of victim funds through dozens of
7 bank accounts to pay for her own personal
8 expenses.

9 Miss Fulford communicated with victims in
10 person, by phone, by email, inducing them
11 to open or give her access to bank accounts
12 which she raided and used for personal
13 expenses. Miss Fulford falsely told
14 victims that she had graduated from Harvard
15 Law School and Harvard Business School, and
16 at various times had made millions on Wall
17 Street, had made millions by buying selling
18 hospitals, and had made millions on real
19 estate in the Bahamas.

20 Miss Fulford never requested a fee and told
21 victims that she was providing her services
22 for free because she already had millions
23 and just wanted to protect the athletes
24 from using -- losing their money.

25 Miss Fulford failed to inform the victims

1 that she used most of their money, or
2 intended to use most of their money, for
3 her own personal expenses.
4 On or about March 15th, 2013, Miss Fulford
5 did knowingly transport, transmit, and
6 transfer in interstate commerce, and caused
7 to be transported, transmitted in
8 interstate commerce \$200,000 of victim
9 L.H.'s money from Montana to Texas, knowing
10 that the \$200,000 was obtained by fraud."

11 **THE COURT:** Okay. You have heard the Government
12 summarize the facts, Mrs. Fulford. Are there any corrections,
13 changes, additions, or modifications that you would like to
14 make?

15 **(Pause)**

16 **MR. GALLAGHER:** May I -- can I --

17 **THE COURT:** Uh-huh.

18 **(Counsel confers with Defendant)**

19 **(Pause)**

20 **DEFENDANT FULFORD:** Yes, your Honor. I'm back.
21 Thank you.

22 **THE COURT:** Okay. So do you have any changes or
23 modifications you want to make?

24 **DEFENDANT FULFORD:** No, your Honor.

25 **THE COURT:** Okay. Are these facts true and correct?

1 **DEFENDANT FULFORD:** Yes, your Honor.

2 **THE COURT:** You knew what you were doing was illegal.

3 **(Pause)**

4 **DEFENDANT FULFORD:** Yes, your Honor.

5 **THE COURT:** No one forced you to commit those acts.

6 **MR. GALLAGHER:** You weren't under duress.

7 **DEFENDANT FULFORD:** Yes, your Honor.

8 **MR. GALLAGHER:** No, you -- were you under duress?

9 **DEFENDANT FULFORD:** Oh.

10 **MR. GALLAGHER:** Was someone forcing you?

11 **DEFENDANT FULFORD:** No, your Honor.

12 **THE COURT:** Okay. The Court will recommend to Judge
13 Ellison that a factual basis exists for the guilty plea.

14 **(Pause)**

15 **THE COURT:** Now, Miss Fulsome [sic] are you stating
16 here in Court under oath that all the allegations and facts in
17 the Indictment are true and correct?

18 **DEFENDANT FULFORD:** Yes, your Honor.

19 **THE COURT:** Are you making your plea of guilty to
20 Count Four freely and voluntarily?

21 **DEFENDANT FULFORD:** Yes, your Honor.

22 **THE COURT:** Has anyone forced you, threatened you,
23 coerced you, or any other person to get you to plead guilty?

24 **DEFENDANT FULFORD:** No, your Honor.

25 **THE COURT:** Are you pleading guilty because of any

1 promise made to you apart from the Plea Agreement?

2 **DEFENDANT FULFORD:** No, your Honor.

3 **THE COURT:** Are you pleading guilty to protect
4 another person from criminal prosecution?

5 **DEFENDANT FULFORD:** No, your Honor.

6 **THE COURT:** Are you pleading guilty because you are
7 guilty and for no other reason?

8 **DEFENDANT FULFORD:** Yes, your Honor.

9 **THE COURT:** Have you read and do you understand the
10 Plea Agreement?

11 **DEFENDANT FULFORD:** Yes, your Honor.

12 **THE COURT:** Mr. Gallagher, do you know of any reason
13 why the Defendant should not plead guilty?

14 **MR. GALLAGHER:** No, your Honor.

15 **THE COURT:** Do you know of any meritorious defenses
16 that the Defendant would have to Count Four to which she is
17 pleading guilty?

18 **MR. GALLAGHER:** No, your Honor.

19 **THE COURT:** Okay. Miss Beek, do you know of any
20 additional admonishments that should be given before Miss
21 Fulsome [sic] signs the Plea Agreement? Fulford.

22 **MS. BEEK:** No, your Honor.

23 **THE COURT:** Okay. Miss Fulford, how do you plead to
24 the charge? Guilty or not guilty?

25 **DEFENDANT FULFORD:** Guilty, your Honor.

1 **THE COURT:** Are you ready to sign the Plea -- Plea
2 Agreement?

3 **DEFENDANT FULFORD:** Yes, your Honor.

4 **THE COURT:** Okay. Miss Felchek will place you under
5 an additional oath.

6 **DEFENDANT FULFORD:** Okay.

7 **THE CLERK:** Do you swear that everything in the
8 affidavit, excuse me, in the Plea Agreement is true to the best
9 of your knowledge?

10 **DEFENDANT FULFORD:** Yes. Thank you.

11 **(Pause)**

12 **(Counsel confers with Defendant)**

13 **THE COURT:** And then can I get you to the consent to
14 appear before me.

15 **MR. GALLAGHER:** This is what we talked before.
16 Judge, is it ready?

17 **THE CLERK:** Yes, sir.

18 **MR. GALLAGHER:** I'll sign. You have to hold it up
19 here for some reason.

20 **(Counsel confers with the Defendant)**

21 **(Pause)**

22 **MR. GALLAGHER:** That's done.

23 **(Pause)**

24 **THE COURT:** Okay. These are the Court's findings.
25 I find that the Defendant is clearly mentally

1 competent and capable of entering an informed plea. I find
2 that this plea is supported by independent facts establishing
3 all of the elements of the offense, and that the Defendant
4 intended to do the acts she committed.

5 I find that the Defendant's plea of guilty is
6 voluntarily, freely, and knowingly made, and that the Defendant
7 understands the nature of these proceedings, and understands
8 the consequences of her plea of guilty, and this is an informed
9 plea.

10 I will recommend to Judge Ellison that he accept your
11 plea of guilty and find you guilty as charged in Count Four of
12 the Indictment.

13 As I stated earlier, a Presentence Investigation will
14 be conducted and a report will be prepared by the Probation
15 Office to assist Judge Ellison in sentencing. A Probation
16 Officer will interview you. You are required to give the
17 Probation Officer information for the report. Your attorney
18 may be present if you wish.

19 You and your counsel will be permitted to read the
20 Presentence Report before the Sentencing Hearing and make any
21 objections to the report if you feel it contains any errors.

22 Okay. Mr. Gallagher, will you be making arrangements
23 for the Presentence Report?

24 **MR. GALLAGHER:** I will.

25 **THE COURT:** Now according to the order for PSI

1 disclosure date and sentencing, the --

2 **THE CLERK:** You have it there.

3 **THE COURT:** The sentencing -- I have it, yeah.

4 **THE CLERK:** Can I get copies, then.

5 **THE COURT:** Yeah.

6 The sentencing is set for April 26th at 10:30 a.m.
7 before Judge Ellison.

8 **(Pause)**

9 **THE COURT:** And then order that Carol has to hand
10 you --

11 **THE CLERK:** I'm sorry. It had the older dates for
12 the -- for the PSI disclosure date and the sentencing date.

13 **THE COURT:** Okay.

14 **(Pause)**

15 **(Court confers with Clerk)**

16 **THE COURT:** Okay. So is the Defendant currently in
17 custody?

18 **MR. GALLAGHER:** No.

19 **THE COURT:** All right. What are the Defendant's
20 present conditions of release?

21 **MR. GALLAGHER:** I'd have to look through them all.

22 She resides -- she's -- resides in New Orleans, I'm
23 sorry, resides in Louisiana and is allowed --

24 **DEFENDANT FULFORD:** In New Orleans.

25 **MR. GALLAGHER:** I'm sorry. In New Orleans and is

1 allowed to travel for Court.

2 **MS. BEEK:** And the Government has no objection to
3 continuing the current conditions of bond as they exist and as
4 they're written down and She's been under --

5 **MR. GALLAGHER:** It is -- yeah. There's been no
6 report --

7 **MS. BEEK:** Whatever they are.

8 **MR. GALLAGHER:** -- of any non-compliance at any
9 point --

10 **MS. BEEK:** Right.

11 **MR. GALLAGHER:** -- in the 13 months pendency of this
12 case.

13 **MS. BEEK:** And she's traveled back and forth as
14 necessary travel for appearances.

15 **THE COURT:** Okay. So she's out on bond. There are
16 conditions of release. And the Government has no objection to
17 her continuing in that -- or on that bond.

18 **MS. BEEK:** On the same conditions, yes.

19 **THE COURT:** Okay. With the same conditions. Okay.
20 Is there anything else at this time?

21 **MR. GALLAGHER:** No, your Honor.

22 **MS. BEEK:** No, your Honor.

23 **THE COURT:** All right. Then you're excused.

24 **MS. BEEK:** Thank you.

25 **MR. GALLAGHER:** Thank you, Judge.

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(This proceeding was adjourned at 04:33 p.m.)

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CERTIFICATION

I certify that the foregoing is a correct transcript from the
electronic sound recording of the proceedings in the above-
entitled matter.

/s/Cheryl L. Battaglia November 18, 2018

Transcriber

Date

H-16-CR-0551
02/01/18 - 11/18/18